

HOUSE BILL 950

D4

0lr2863

By: **Delegates McConkey and Schuler**
Introduced and read first time: February 12, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Children – Joint Legal Custody and Equal Parenting Time – Preference**

3 FOR the purpose of requiring a court in certain child custody proceedings to first
4 consider an award of joint legal custody and physical custody for approximately
5 equal periods of time for each parent; authorizing a court that does not find that
6 award appropriate to order a disposition it finds appropriate for the
7 circumstances; providing that this Act does not preclude the court's
8 consideration of other provisions of law, including provisions providing
9 protection from domestic violence; providing for the application of this Act; and
10 generally relating to child custody.

11 BY adding to

12 Article – Family Law

13 Section 9–109

14 Annotated Code of Maryland

15 (2006 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 **9–109.**

20 **(A) IN AN INITIAL CHILD CUSTODY PROCEEDING, WHETHER PENDENTE**
21 **LITE OR PERMANENT, INVOLVING THE PARENTS OF A CHILD, THE COURT SHALL**
22 **FIRST CONSIDER AN ORDER THAT AWARDS:**

23 **(1) JOINT LEGAL CUSTODY OF THE CHILD TO THE PARENTS; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) PHYSICAL CUSTODY OF THE CHILD FOR APPROXIMATELY**
2 **EQUAL PERIODS OF TIME FOR EACH PARENT.**

3 **(B) IF THE COURT DOES NOT FIND AN AWARD OF CUSTODY AS**
4 **DESCRIBED IN SUBSECTION (A) OF THIS SECTION APPROPRIATE, THE COURT**
5 **SHALL ORDER A DISPOSITION IT FINDS APPROPRIATE FOR THE**
6 **CIRCUMSTANCES.**

7 **(C) NOTHING IN THIS SECTION PRECLUDES CONSIDERATION BY THE**
8 **COURT OF OTHER PROVISIONS OF LAW, INCLUDING PROVISIONS PROVIDING**
9 **PROTECTION FROM DOMESTIC VIOLENCE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
11 construed to apply only prospectively and may not be applied or interpreted to have
12 any effect on or application to any cases filed before the effective date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2010.